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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/161,401	09/28/1998	MITSUMASA SUGIYAMA	862.2471	7599

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/161,401

Applicant(s)

SUGIYAMA, MITSUMASA

Examiner

Ella Colbert

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-- Th MAILING DATE f this communication appears on the cover sheet with th corresp ndence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-12 and 15-34 is/are rejected.
- 7) ☒ Claim(s) 3 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-12, and 14-34 are pending. Claims 32-34 have been added in this communication filed 12/18/03 entered as RCE, paper no. 26.
2. The Extension of Time (3 months) filed 12/18/03 has been entered as paper no. 25.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/03 has been entered.

Claim Objections

4. Claims 3 and 14 are objected to because of the following informalities: Claim 3 recites "... correspond to any of the attribution items ...". This limitation would be better recited "... correspond to any of the attribute items ...". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 7, 12, 18, 21, 23, 24, 26, 27, 29, 30, and 32-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

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distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "...the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by said determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database."

The wording of this claim limitation is very confusing and unclear. It cannot be determined from the claim language what Applicant is trying to say or to claim.

Claims 7, 18, 26, 27, 30, (the third and fourth claim limitations), 12, 21 (the one claim limitation), 23 (the fourth and fifth claim limitations), 29 and 32-34 (the third claim limitation) have a similar problem with the claim limitations.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4-12, and 15-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al (US 5,842,222), hereafter Lin in view of Woodhill et al (US 5,649,196), hereafter Woodhill.

With respect to claims 1, 12, 23, and 26, Lin teaches, a first copying means for copying data selected from a first database to a second database (col. 2, lines 3-14); and a determination means for determining if the attribute items of attribute information

appended to the data corresponds to each of the attribute items of the second database (col. 3, lines 33-43).

Lin failed to teach, a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database.

Woodhill teaches, a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database (col. 2, lines 20-38, col. 9, lines 49-67 and col. 10, lines 1-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database and to modify in Lin because such a modification would allow Lin to have a backup/restore system that is capable of operating on a networked computer system and capable of accommodating a large array of storage

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devices with the attribute item represented as regular data, attribute data, or a control list of data in a database.

With respect to claims 4 and 15, Lin failed to teach, the predetermined format indicates an attribute item name and contents. Woodhill teaches, the predetermined format indicates an attribute item name and contents (col. 3, lines 52-63 & fig. 3, steps 40, 44, 48, 50, 52, 54, & 57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the predetermined format indicate an attribute item name and contents and to modify in Lin because such a modification would allow Lin to have a file identification (contents), a record type, a file location, a file name (attribute item).

With respect to claim 5, Lin failed to teach, ... the second copying means detects attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents indicated by the information. Woodhill discloses, ... the second copying means detects attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents indicated by the information (col. 9, lines 36-67 and col. 10, lines 1-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have ... the second copying means detect attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents indicated by the information and to modify in Lin because such a modification would allow Lin to have at least one copy of the contents that is stored and if a disaster should destroy and entire site not all of the copies of the site's data would be destroyed.

With respect to claims 6, 11, 17, and 22, Lin teaches, ... holding conversion information indicating a correspondence between attribute items of the first and second databases and the determination means determines based on the conversion information indicating a correspondence between attribute items of the first and second databases (col. 1, lines 58-67 and col. 2, lines 1-14) and wherein the determination means determines based on the conversion information if each of the attribute items of the attribute information appended to the data corresponds to each of the attribute items of the second database (col. 2, lines 53-66).

With respect to claims 7, 8, 18, 19, 24, 25, 27, and 28, Lin teaches, the first copying means for copying data selected from a first database to a second database (col. 3, lines 14-25); ... determining if the attribute items of attribute information appended to the data can be set into the second database (col. 3, lines 34-43); and information recovery means for when attribute information stored in the predetermined attribute item in the predetermined format is detected upon copying data from the backup database to one of the plurality of databases, recovering the attribute information on the basis of an attribute item name and contents thereof indicated by the information (col. 2, lines 34-52). Lin failed to teach, ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a predetermined attribute item of the second database. Woodhill teaches, ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a predetermined attribute item of the second database (col. 2, lines 20-38 and col. 9, lines 49-67 and col. 10, lines 1-13. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a

second database to a predetermined attribute item of the second database and to modify in Lin because such a modification in Lin would allow the information to be converted from the first database to the second database and each first database or primary database to have a corresponding mirror database for backup or archiving and recovering information when a computer system failure occurs.

With respect to claims 9 and 21, Lin failed to teach, when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute information thereof to a predetermined attribute item in the second database. Woodhill teaches, when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute information thereof to a predetermined attribute item in the second database (col. 1, lines 27-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute information thereof to a predetermined attribute item in the second database and to modify in Lin because such a modification in Lin would allow Lin to have a backup system that operates by making copies of a computer systems files on a special backup input/output device and the file name to be derived from the original file from the date/time of the backup operation.

With respect to claim 10, Lin and Woodhill failed to teach, wherein when the conversion information corresponding to the first and second databases is not held in said holding means, said second copying means copies attributes items which cannot be set to a predetermined attribute item of the second database in a predetermined format, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the conversion information correspond to the first and

second databases not held in said holding means, said second copying means copy attributes items which cannot be set to a predetermined attribute item of the second database in a predetermined format and to modify in Lin and Woodhill because such a modification is well known in the art when copying information of an attribute from a first database to a second database if the databases contain different information the attributes will be set in a different format in the second database than the format in the first database during synchronization.

With respect to claim 16, Lin failed to teach, recovering the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step. Woodhill teaches, recovering the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step (col. 10, lines 21-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to recover the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step and to modify in Lin because such a modification would allow Lin to have the backup copy maintained in the storage file for ultimate storage to magnetic tape or other low cost storage media.

With respect to claim 20, this dependent claim is rejected for the similar rationale given for claims 1, 6, 12, 23, 26, and 29.

With respect to claims 29-31, Lin and Woodhill did not teach a control program comprising a code for performing the steps of claims 1, 7, and 8 as recited in claims 29-

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31, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a control program comprising a code because the central processing unit (CPU) performs the functions of reading and executing the program codes and a storage medium such as a CD ROM, a hard disk, a floppy disk, optical disk, and magnetic tape provides the program codes.

With respect to claims 32-34, Lin teaches, An information processing apparatus comprising: extraction means for extracting an attribute item set for a document to be copied from a first database to a second database (col. 1, lines 44-56); determination means for determining if an attribute item corresponding to the attribute item extracted by said extraction means exists in the second database (col. 2, lines 34-52).

Lin failed to teach a control means for controlling to copy an attribute data of the attribute item that is determined by said determination means not to correspond to any of the attribute items of the second database, to a predetermined attribute item of the second database.

Woodhill teaches, a control means for controlling to copy an attribute data of the attribute item that is determined by said determination means not to correspond to any of the attribute items of the second database, to a predetermined attribute item of the second database (col. 5, lines 46-67 and col. 6, lines 1-2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a control means for controlling to copy an attribute data of the attribute item that is determined by said determination means not to correspond to any of the attribute items of the second database, to a predetermined attribute item of the second database and to modify in Lin because such a modification would allow Lin to have a control program

for controlling a copy of the attribute data and file attributes that do not correspond to the attribute items in the second database (Backup Queue database 26)..

Allowable Subject Matter

9. Claims 3 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: "the second copying means copies the information of the attribute item which does not correspond to any of the attribute items of the second database to the predetermined item in a predetermined format which indicates information of a mismatching attribute item."

Applicant is reminded that when incorporating allowable subject matter into a claim, the allowable subject matter must be worded exactly as stated in the reasons for allowance.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure..

Boothby et al (US 6,330,568) disclosed the synchronization of databases.

McCargar (US 6,014,674) disclosed performing updates and log changes.


Inquiries

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


E. Colbert
January 22, 2004